

Notice of Allowability

Application No.

10/046,284

Examiner

Anthony S Addy

Applicant(s)

KENNEDY ET AL.

Art Unit

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/02/2004.
2. ☒ The allowed claim(s) is/are 1-17.
3. ☒ The drawings filed on 16 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mark Comtois (Reg. No. 46285) on 04 March 2005.

The application has been amended as follows:

Claim 1: line 3,

replace "mibile-appliance" with --mobile-appliance--

Claim 8: line 2,

replace "coast" with --cost--

Claim 12: line 1,

replace "stop" with --step--

Claim 13: line 1,

replace "stop" with --step--

Claims 18-20 are cancelled

2. Claims 1-17 are allowed.

3. The following is an examiner's statement of reasons for allowance:

With respect to claims 1 and 16, Hawkes teaches a system and method for identifying locations of emitters (cellular telephones) in a service area where the service area is divided into coarse areas. The location method is performed by searching to identify active emitters in the service area, finding the coarse

Art Unit: 2681

areas in which active emitters are located, selecting using selection criteria to designate one or more of the active emitters as selected emitters, measuring emitter signals with a plurality of sensors, each sensor at a different location, tasking groups of the sensors, one group of tasked sensors for each corresponding selected emitter, where tasked sensors for a particular group are chosen from the plurality of sensors based upon the capability of the tasked sensors to intercept emitter signals from a coarse area in which the corresponding selected emitter is located, each tasked sensor of the particular group taking a measurement on an emitter signal transmitted by the corresponding selected emitter, and processing to determine the location of each selected emitter based on the measurements from the group of tasked sensors for the corresponding selected emitter (see col. 2, lines 37-58).

The instant invention with respect to claims 1 and 16, teaches a system and method for determining the positioning of mobile-appliance location determining sensors in a mobile appliance communications network, comprising the steps of: estimating for each of the plural base stations, the strength of a signal from the mobile-appliance transmitted at the estimated power level from the selected geographic point; identifying each of the plural base stations estimated to receive a signal above a predetermined threshold from the mobile-appliance; estimating the accuracy of a calculated position of the mobile-appliance from the estimate of the signal strength received at the identified base stations; and determining the position of mobile-appliance location determining sensors in the coverage area needed to provide the estimated location

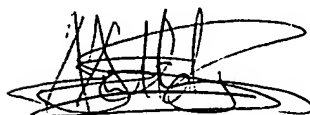
Art Unit: 2681

determining accuracy within a predetermined threshold. These novel features are not taught or fairly suggested by Hawkes nor any of the prior art of record alone or in combination with all the recited limitations of claims 1 and 16.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony S Addy whose telephone number is 703-305-8487. The examiner can normally be reached on Mon-Thur 8:00am-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L Moise can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Anthony S. Addy
March 4, 2005

